

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application.

Claims 1-19 are now present in this application. Claims 1 and 12 are independent.

Reconsideration of this application is respectfully requested.

Allowed and Allowable Subject Matter

The Examiner states that claims 12-19 are allowed and that claims 2-11 would be allowable if rewritten in independent form.

Applicant thanks the Examiner for this indication of allowed and allowable subject matter in this application.

With respect to claims 2-11, Applicant has chosen not to re-write these claims in independent form, however, because of Applicant's belief that independent claim 1, from which claims 2-11 respectively depend, is allowable for reasons discussed below.

Rejection under 35 U.S.C. §102

Claim 1 stands rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,448,579 to Lim et al. (hereinafter, "Lim"). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

A prior art reference anticipates the subject of a claim when the reference discloses every feature of the claimed invention, either explicitly or inherently (see, In re Paulsen, 30 F.3d 1475, 1478, 1479, 31 USPQ2d 1671, 1675 (Fed. Cir. 1994), In re Spada, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990), Hazani v. Int'l Trade Comm'n, 126 F.3d 1473, 1477, 44 USPQ2d 1358, 1361 (Fed. Cir. 1997) and RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984).

During patent examination the PTO bears the initial burden of presenting a *prima facie* case of unpatentability. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). If the PTO fails to meet this burden, then the applicant is entitled to the patent.

Claim 1 recites, among other features, "at least two storage capacitors disposed between a gate line and a capacitor electrode disposed above the gate line . . ." In other words, the claim requires that two storage capacitors be located between (1) a gate line and (2) a capacitor electrode disposed above the gate line.

Applicant respectfully submits that Lim does not disclose this feature. In Lim, the storage capacitors "L" and "M" are side-by-side instead of being

"between a gate line and a capacitor electrode formed above the gate line." While storage capacitors "L" and "M" share a common lower capacitor electrode, i.e., gate line 206, both of those storage capacitors are not located between the commonly shared lower gate line 206 and a capacitor electrode disposed above the gate line.

While Lim's two separate capacitors are bounded by lower gate line 206 they each have separate upper capacitor electrodes 216, that are disclosed as being at the same distance from the common gate line 206. As such, Lim's two capacitors are not located between a gate line and a capacitor electrode formed above the gate line. Rather, Lim's two capacitors "L" and "M" are located side-by-side, each capacitor being between the same gate electrode and a separate upper capacitor electrode.

Accordingly, Lim does not anticipate claim 1.

Reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the

outstanding Office Action, and as such, the present application is in condition for allowance.

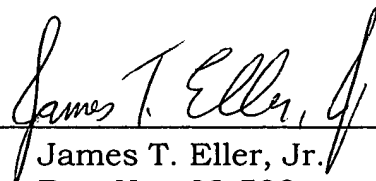
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46,472, at (703) 205-8000, in the Washington, D.C. area.


Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: 
James T. Eller, Jr.
Reg. No.: 39,538

JTE/RJW:fjl:gf 

P.O. Box 747
Falls Church, Virginia 22040-0747
Telephone: (703)205-8000